

Minutes
WARRICK COUNTY AREA BOARD OF ZONING APPEALS
Regular meeting to be held in the Commissioners Meeting Room,
Third Floor, Historic Courthouse,
Boonville, Indiana
May 28, 2024 at 6:00 P.M.

PLEDGE OF ALLEGIANCE:

MINUTES: Upon a motion made by Mike Winge and seconded by Dave Goldenberg the minutes of the last regular meeting held April 22, 2024 were approved and circulated.

MEMBERS PRESENT: Terry Dayvolt, Chairman; Dave Goldenberg, Mike Winge, Paul Keller, & Jeff Willis.

Also present was Morrie Doll, Attorney, Molly Barnhill, Executive Director, Carlie Render & Julie Newton, staff.

MEMBERS ABSENT: Mike Moesner & Jeff Valiant

Chairman Dayvolt stated tonight we have a couple special uses and I think 5 variances. He continued when your name is called or when we bring up your variance or special use we would like for you to come up to the podium...state your name, sign in, and Mrs. Barnhill will then give us a staff report. He continued then if you have anything to add to her staff report that will be the time you will be able to do that. He added the same if you are a remonstrator here against something that's going on...after the applicant has stated his case then you'll have your chance...we're allowing you 20 minutes for or against the variance or the special use.

SPECIAL USES:

BZA-SU-24-10

APPLICANT: Husk Signs, by Kip Husk, Owner

OWNER: Souls Harvest Church Inc., by Chad Detalente, Pastor

PREMISIS AFFECTED: Property located on the north side of Telephone Road approximately 350' west of the intersection formed by Telephone Road and Bell Road. Ohio Twp. 10-6-9.
Complete legal on file. 8566 Telephone Road.

NATURE OF THE CASE: Applicant requests a Special Use, SU-8, from the requirements as set forth in the Comprehensive Zoning Ordinance in effect for Warrick County, IN to allow a 3'x 7' Electronic Message Center on a new 12' x 7' sign. All in an "A" Agricultural Zoning District.
Advertised in The Standard on May 16, 2024.

Kip Husk with Husk Signs, Paster Brian Detalente, and Paster Gordon Detalente were present.

Mrs. Barnhill asked do you want the staff report while they sign in.

Chairman Dayvolt answered yes...please.

Mrs. Barnhill stated the notice to adjacent property owners that they sent out...we are missing 3 green cards, we do have the white pay receipts showing they were mailed correctly. She stated the existing use is a church. She said to the north, east and west is "A" Agricultural, to the south is "R-1" One Family Dwelling with vacant property or single-family dwellings. She stated the property does have some AE floodplain on it, but not where this sign will be. She said they have an existing access onto Telephone Rd.

Chairman Dayvolt asked did you hear the staff report that Mrs. Barnhill...

Kip Husk answered yes.

Chairman Dayvolt continued okay, do you have anything to add.

Kip Husk said just one thing, the sign is not umm...7' x 12'. He continued it is 12' overall height, the sign itself is actually 5' x 7' and the digital portion of it is 3' x 7'. He said he didn't want anyone to get the wrong impression that the sign is bigger than it really is...but the overall height is about 12'.

Chairman Dayvolt replied okay...anything else.

Kip Husk answered that's it, we would just like to have the sign there to be able to get the good news out.

Chairman Dayvolt asked questions by the Board...questions by the Board...is there anybody here for or against this special use. He continues seeing none, any questions here...I'll entertain a motion.

I, Paul Keller, make a motion finding of fact be made as follows from the testimony and proposed use statement:

1. The USE is deemed essential or desirable to the public convenience or welfare.
2. The USE is in harmony with the various elements or objectives of the Land Use Plan for Warrick County.
3. The USE will not be a nuisance or serious hazard to vehicles, pedestrians, or residents.
4. The USE as developed will not adversely affect the surrounding area.
5. Adequate and appropriate facilities will be provided for proper operation of the USE.
6. The specific site is appropriate for the USE.

And the Application be approved in accordance to the application and plans on file, subject to the following conditions:

- a) Subject to an Improvement Location Permit being obtained.
- b) Subject to a Building Permit being obtained.
- c) Subject to the property being in compliance at all times with the applicable zoning ordinances of Warrick County.
- d) Subject to all utility easement and facilities in place.
- e) Subject to no flashing, moving or intermittent lights except white.
- f) Subject to the plot plan on file and not to be altered or expanded.
- g) Subject to no use of the words, “stop”, “danger”, “look”, or any other words which would confuse traffic.
- h) Subject to no rotating or revolving beams of light.

Motion seconded by Mike Winge and carried unanimously.

Chairman Dayvolt said you have your sign.

Kip Husk said thank you...I think that's a world record.

Board members laughed.

Mrs. Barnhill stated Kip you can come by tomorrow, if you're ready, to get that permit.

Kip Husk said thank you.

BZA-SU-24-13

APPLICANT: Cash Waggoner & Associates, by Glen Meritt Jr., Engineer

OWNER: Mission First, by Danny Barr, President

PREMISIS AFFECTED: Property located on the south side of Ditney Hill Road approximately 1600' west of the intersection formed by Schultz Road and Ditney Hill Road. Campbell Twp. 32-4-9. Parcel 1 in Mission First East Parcelization. *Complete legal on file. 10433 Ditney Hill Road.*

NATURE OF THE CASE: Applicant requests a Special Use, SU-1, from the requirements as set forth in the Comprehensive Zoning Ordinance in effect for Warrick County, IN to allow a private recreational area. All in an “A” Agricultural Zoning District. *Advertised in The Standard on May 16, 2024.*

Glen Meritt, Engineer, with Cash Waggoner, & Daniel Barr, President, with Mission First were both present.

Chairman Dayvolt asked for the staff report.

Mrs. Barnhill stated we have all the green cards from their notice to the adjacent property owners. She added the existing land is vacant. She stated to the north, east, south, and west is all zoned "A" Agricultural with vacant ground. She stated there's no floodplain and they have existing access onto Ditney Hill Road.

Chairman Dayvolt asked do you have anything to add to the staff report.

Glen Meritt replied yeah...umm, basically Mission First is looking to build a facility on Ditney Hill Road for military veterans. He added I'm just going to read their mission statement...Our mission is to provide a sanctuary to strengthen and renew a sense of purpose to those with military service. Mission First incorporated is proposing a restorative nature rich sanctuary with supporting programs dedicated to military veterans and their families. We are committed to providing a multidisciplinary approach to support and enable veterans, developing healthy and productive life styles as they continue to transition to civilian life. Our hope is that the programs and experiences we sponsor represent not just our local communities' best efforts, but that this property in Warrick will become a valued regional if not national asset.

Chairman Dayvolt asked anything else Mr. Barr.

Daniel Barr added just the idea behind this is that veterans when they exit military service sometimes have difficulties with transitioning and our hope is to help them with that. He continued beyond that we have been very quiet about this...we have been working on it for about 2 years now and have been intentionally quiet about it until we were certain that funding would be available for this. He stated the Community Foundation Alliance...there were 4 counties that have essentially chosen this project for funding through Warrick County, Vanderburgh County, Posey, and Gibson have all selected us and so we are in the process with Lily for funding the second and third phase for this. He continued the first phase is one of the smaller buildings up on the hill which will be an activity center where these will take place. He stated we will be partnering with Youth First Inc., Vanderburgh County Vet Court, Point Man Ministries which has been doing this for about 15 years, but we'll be like others in the country that try to assist veterans to do this...the difference is that we will own the property, typically they are guests on someone else's property and by doing this we are able to do it more often and have a more focused impact on this community to elevate veterans...make them stronger so that they can assimilate into the communities...so that's what we are looking to do.

Mike Winge asked is that property happen to be down on the south side of Ditney Hill Road before you get to St. John's.

Daniel Barr replied no, it is actually on the north side of the old little Ditney Hill...uhh and right on Ditney Hill Road about 1600 feet west of St. John's...if you take a right on St. John's you'll go over a little hill there's an entrance there. He continued Jim and Dawn Shigley owned that previously...

Mike Winge asked that's an offset there for the Ditney...

Daniel Barr replied yes, that's correct.

Mike Winge said okay...so you'll cross St. John's.

Daniel Barr replied yes.

Mike Winge said okay.

Chairman Dayvolt asked more questions by the Board...anybody here for or against this. He continued seeing none...any questions.

Mike Winge said yeah, I have a couple more for you. He asked you're going to have some structures there...

Daniel Barr replied yes.

Mike Winge continued so this is going to have the bath facilities and all that kind of stuff.

Daniel Barr replied yes.

Mrs. Barnhill said Mike, I have a larger version of the site plan over here.

Mike Winge replied I'd like to see it.

Chairman Dayvolt asked how many acres do you have here.

Daniel Barr replied we have 90 acres...there's an existing 5 acre lake that's on the property that has been there for many, many years. He added it was actually a reservoir listed on the old mine maps for the old Ditney Hill Mine so that reservoir has been there for some time.

Mrs. Barnhill asked so building one and two what's going in the larger buildings.

Daniel Barr replied so the smaller of the two larger buildings is going to be an activity center. He added there will be some classrooms in there, an open air porch for folks to be able to go out on the lake, and that's what we will base late base activities there. He stated the larger lodge facility is where we will have more classrooms and a larger main lodge area porch that will be about 10,000 square feet, that's 6,000 under roof, so that we can bring in up to 50-60 veterans at a time to be able to have a larger class but then also have the smaller activity center for smaller groups.

Mike Winge asked so population wise, how many people will be there at any given time.

Daniel Barr replied at any given time it would be the max would be 100. He added it's not going to be an open facility, it will be activities that will be occurring that we will sponsor and bring folks in for the events that they're going to be participating in and then leaving. He continued there are some smaller facilities down on the bottom those are cabins where when we start doing

3-4 day events for folks to be able to stay overnight in the cabins and then be able to be intensive over 3-4 days.

Mike Winge asked so that property is...Ditney Hill runs into St. John headed west...your west of that. He continued that the drive there...or like Ditney Hill continues on the road not that develop.

Daniel Barr replied where Ditney intercepts St. John's we are to the east of that intersection.

Mike Winge asked east of that.

Daniel Barr replied uh-huh.

Mike Winge said I'm still trying to find what...because I'm right east of that. He continued I'm just trying to figure out where you're at with that. He asked you know where the sharp curves at there on Ditney, headed west...

Daniel Barr replied I'm not real familiar with that area...to be honest with you.

Mike Winge continued coming off St. John. He said I'm trying to figure out where all that grounds at.

Mrs. Barnhill said I'm going to find it on the map, Mike.

Mike Winge asked pardon.

Mrs. Barnhill replied I'll find it on the map for ya.

Mike Winge said that doesn't tell me where it's at.

Daniel Barr said if you're going north on St. John and then you come around the corner...

Mike Winge asked south of Elberfeld where Ditney runs into St. John's...which way.

Daniel Barr responded if you take a right, then you're going to take a right...

Mike Winge asked headed towards Elberfeld you're going to turn right.

Daniel Barr replied turn right, it's going take that little jog little bit to the south and then straight now were about a quarter of a mile...

Mike Winge asked you're before Schultz Road.

Daniel Barr replied yes.

Mike Winge said okay.

Daniel Barr said that's correct...

Mike Winge asked so you would be, you're going to be on the south side of that road or the north side.

Daniel Barr replied south side. He continued the north side is owned by the gentlemen from Alabama that was on the mailing list.

Mike Winge said okay...I know where you're at. He continued I'm your neighbor.

Board Members laughed.

Mrs. Barnhill said yeah...real close to you.

Mike Winge said real close.

Chairman Dayvolt said okay...

Daniel Barr asked so do you live next to Phil and Cindy Miller or...

Mike Winge said pardon...

Daniel Barr asked are you next to Phil and Cindy Miller or across the street.

Mike Winge replied uh...Frank is the farmer...I've only been there a couple of years so I like the area. He continued I was just curious of where you're at there.

Chairman Dayvolt asked anymore questions by the Board. He continued seeing none and seeing that there was no remonstrators for or against I entertain a motion.

I, Mike Winge, make a motion finding of fact be made as follows from the testimony and proposed use statement:

1. The USE is deemed essential or desirable to the public convenience or welfare.
2. The USE is in harmony with the various elements or objectives of the Land Use Plan for Warrick County.
3. The USE will not be a nuisance or serious hazard to vehicles, pedestrians, or residents.
4. The USE as developed will not adversely affect the surrounding area.
5. Adequate and appropriate facilities will be provided for proper operation of the USE.

6. The specific site is appropriate for the USE.

And the Application be approved in accordance to the application and plans on file, subject to the following conditions:

1. Subject to a Commercial Driveway Permit.
2. Subject to the property being in compliance at all times with the applicable zoning Ordinances of Warrick County.
3. Subject to all public utility easements and facilities in place.
4. Subject to any required Improvement Location Permits.
5. Subject to any required Building Permits.
6. Subject to any required permits from the State.
7. Subject to a Commercial Site Review prior to any permits being issued.

Motion seconded by Paul Keller and carried unanimously.

VARIANCES:

BZA-V-24-11

APPLICANT: Abby Turpen

OWNER: Andy & Abby Turpen

PREMISIS AFFECTED: Property located on the east side of Maryjoetta Dr. approximately 0' north of the intersection formed by Maryjoetta Dr. and Kathryn Ct. Ohio Twp. Lt. 16 & Pt. Lt 17 Maehill Meadows Sub Sec. A *Complete legal on file. 4300 Maryjoetta Dr.*

NATURE OF THE CASE: Applicant requests a Variance, from the requirements as set forth in the Comprehensive Zoning Ordinance in effect for Warrick County, IN to allow: the approval of a home occupation (SU-12) of a one chair 10'x 40' beauty shop to be located in an accessory building instead of the principal dwelling. All located in an "R-1A" One Family Dwelling Zoning District. *Advertised in The Standard on May 16, 2024.*

Chairman Dayvolt asked are the Turpen's here.

Andy & Abby Turpen came to the podium.

Chairman Dayvolt asked staff report.

Mrs. Barnhill stated we have all the returned receipts but two green cards we do have the white pay receipts showing they were mailed correctly. She continued existing use is a Single-Family Dwelling and an unattached accessory. She stated to the north, east, south and west is "R-1A"

One Family Dwelling being Maehill Meadows Subdivision. She continued there is no floodplain and they have an existing access onto Maryjoetta Drive.

Chairman Dayvolt asked do you have anything to add to Mrs. Barnhill's report.

Andy Turpen said uh no, we're just putting one chair in there, He continued she teaches for a living...she's done it for 20 years and we just...since I built this garage for my cars and all my stuff...umm just wanted to put a chair in there so in case she wants to do something here and there. He stated this is not going to be like a business we are trying to really grow, this is just if she wants to do onesie, twosies, stuff like that...because she has a full-time job and this is a...

Abby Turpen said part time thing.

Chairman Dayvolt said okay. He asked do you have a chair in your house now.

Andy Turpen replied yes.

Chairman Dayvolt said you do.

Andy Turpen said yes.

Chairman Dayvolt said okay.

Andy Turpen said but it's...yeah.

Chairman Dayvolt asked what about parking.

Andy Turpen stated I have a driveway, a matter of fact my driveway's...it's to match my other driveway...it's real big and going bigger. He continued so you'll have no problem parking. He said because what I'm doing is...I'm a car guy, so I'm putting car lifts inside there...inside this garage. He continued it's going to section off to where that's...so I've got a raise a car up put a car underneath it and another car and so...I've got a nice driveway and this is set up to be my dream garage and my man thing. He continued she wanted a room for like a, just like gatherings for my youngest daughter if she wants to bring friends over, and I was like you know what...why don't we put a chair in there...so then that's how this all kinda grew.

Abby Turpen stated and I have to have a separate entrance. She continued and for me to license it so I teach...I've been in contact with the state board and I have to have a separate entrance so that's where the building came into play. She said we were like we have to have a separate entrance for this so I need it to be outside of our home because we do not have a walk in basement. She continued so like that isn't going to work for me. She said so for me to be able to get them to come in and license it, I'm going to have to do that.

Chairman Dayvolt asked questions...any remonstrators here. He continued anybody here for or against...would you please let this lady...

Andy Turpen said yeah.

Abby Turpen said yeah.

Chairman Dayvolt said please state your name and sign in.

Cindy Horn came to the podium.

Cindy Horn said I'm not for or against them I'm just sort a neutral. She continued I just wanted a couple of questions answered if I could. She said you already asked one...whether or not she already had a chair in her home because I did notice on the umm, public hearing notice that I got, that it said instead of the principal dwelling so that was my...whether or not there was a legal chair being worked in the home now. She continued and then umm, just umm, how it would effect because it is a dead end street...we live umm, just across the street from them on Maryjoetta...and umm, just worried about that traffic because we do have a dead end street and we are toward the end...there is no exit. She continued people can go up in a cul-de-sac and turn around, but again there is ya know just that question, and then my question is to whether or not there's already been a chair operated in the house...so umm.

Chairman Dayvolt said that questions already been answered.

Cindy Horn said yeah...that's what I said...yeah, so yeah but umm just more or less some information but you asked the question before I got, (Laughing) that was my question, okay thank you.

Chairman Dayvolt said thank you.

Mrs. Barnhill stated their access, I need to correct the staff report, is on Catherine Court. She continued they have a Maryjoetta address, but it's Catherine Court from the south and they have two...looks like two driveway entrances.

Andy Turpen said yes, we have the house driveway and then the garage driveway...

Abby Turpen said this is going to have its own driveway.

Mrs. Barnhill said and the garage, comes off that, a cul-de-sac there.

Chairman Dayvolt said okay, you heard the lady's questions...would you like to address them.

Abby Turpen replied umm yeah, so I just want all my neighbors to be comfortable...it's not like going to be a full time thing. She continued umm, I know that we had some other letters going out...ya know families saying we were doing 3 or 4 chairs...we actually built this building, we've already been, he's already been to one meeting. She said this is not going to be zoned commercial like this was just for me to be able to work out of the house. She continued I have my last kid getting ready to go to college so if I want to cut back teaching and maybe do a little bit more hair to have more flexibility that was going to be the thing. She continued the only

difference is that I will actually have a driveway and an entrance for them. She said they will not be parking on the street and I don't think it's going to add any extra traffic because like I said I will still work my full-time job. She continued I mean I just got a big certificate I'm actually going to be working for Redken a little bit too when my last one goes so, I'll do some virtual things in there. She continued umm, so I'll be doing some like...I have to have a license facility to do these virtual classes for other salons and stuff like that so that wouldn't even be bringing traffic in...so it's just something I need to have licensed and do for my future...it's really what it is.

Chairman Dayvolt said okay, umm signage...what about signage.

Abby Turpen replied no, I mean we haven't, like I haven't even got as far as, we aren't going to do a big sign or anything like that. She continued umm, I will have to have an LLC or something like that...I'm working with a guy right now on which version I need to do that would be better for the amount of time I'm going to spend in there so, then we'll decide on if I did a sign it would be something like on my door, it wouldn't be like this huge sign because like I said it's not somewhere I'm hiring employees it's just going to be me.

Chairman Dayvolt said well a sign would have to have a permit.

Abby Turpen said okay.

Chairman Dayvolt said okay. He stated so what you're telling us is there will be...

Mrs. Barnhill said hold up, I'm sorry, Terry...

Chairman Dayvolt said yes, ma'am.

Mrs. Barnhill continued SU-12...

Chairman Dayvolt said ya...

Mrs. Barnhill continued should not have a sign.

Abby Turpen said I didn't plan on having a sign, so...

Mrs. Barnhill said right, and we went over this with her so...

Chairman Dayvolt said okay.

Abby Turpen said yeah.

Chairman Dayvolt asked so with one chair you wouldn't, not have over one person there at a time.

Abby Turpen replied no...I mean sometimes I have other like a person that will come in and like sit while I'm getting their color on while the other one is processing but it's like at the most 2 people is going to be there at a time. She continued but we have a driveway for that so I think we will be fine for that.

Chairman Dayvolt said okay. He asked any other questions here by the Board. He continued seeing none I'll entertain a motion.

I, Mike Winge, make a motion to approve the Variance Application based upon and including the following findings of fact:

1. The grant of the Variance will not be injurious to the public health, safety, morals, and general welfare of the Community. As such, it is further found that the granting of the Variance shall not be materially detrimental to the public welfare.
2. The use or value of the area adjacent to the property included in the Variance will not be affected in a substantially adverse manner. As such, it is further found that the granting of the Variance shall not result in substantial detriment to adjacent property or the surrounding neighborhood.
3. The need for the Variance arises from some condition peculiar to the property involved. The peculiar condition constituting a hardship is unique to the property involved or so limited to such a small number of properties that it constitutes a marked exception to the property in the neighborhood. Such condition is a pre-existing structure.
4. The strict application of the terms of the Warrick County Comprehensive Zoning Ordinance will constitute a practical difficulty, unusual and unnecessary hardship if applied to the property for which the Variance is sought.
5. The approval does not interfere substantially with the Warrick County Comprehensive Zoning Ordinance adopted pursuant to IC 36-7-4-500 et seq.
6. The granting of the Variance is necessary in order to preserve a substantial property right of the petitioner to use the property in a reasonable manner, and not merely to allow the petitioner some opportunity to use his property in a more profitable way or to sell it at a greater profit.
7. That the hardship to the applicant's use of the property was not self-created by any person having an interest in the property nor is the result of mere disregard for or ignorance of the provisions of the Warrick County Comprehensive Zoning Ordinance.
8. The approval of the requested Variance is the least modification of applicable regulations possible so that the substantial intent and purpose of those regulations contained in the Warrick County Comprehensive Zoning Ordinance shall be preserved.

9. This Variance shall expire six (6) months after this date, UNLESS a Permit based upon and incorporating this Variance is obtained within the aforesaid six (6) month period or unless the provision of the Variance are adhered to within the aforesaid six (6) month period. Upon advance written application for good cause, a renewal for an additional six (6) month period may be granted by the Secretary of the Area Plan Commission.
10. The Variance Application is subject to the terms contained therein and the plans on file subject to the following additional conditions:
 1. Subject to the property being in compliance at all times with the applicable zoning ordinances of Warrick County.
 2. Subject to all public utility easements and facilities in place.
 3. Subject to any required Local, State or Federal Permits.
 4. Subject to the owner remaining a resident of the residence.
 5. Subject to the plot plan on file.
 6. Subject to Article V Special Uses, Section 5 Procedure Subsection E.

Motion seconded by Jeff Willis and carried unanimously.

Andy Turpen said thank you.

Abby Turpen said thank you.

Chairman Dayvolt said you're welcome.

BZA-V-24-14 BZA-V-24-12

APPLICANT/OWNER: Richard R. Snow III

PREMISIS AFFECTED: Property located on the west side of Yankeetown Road approximately 900' south of the intersection formed by SR 66 and Yankeetown Road. Anderson Twp. 15-7-8. *Complete legal on file. 8177 Yankeetown Road.*

NATURE OF THE CASE: Applicant requests a Variance, from the requirements as set forth in the Comprehensive Zoning Ordinance in effect for Warrick County, IN to allow an Improvement Location Permit to be issued for: a single-family dwelling (SFD) to be constructed on property with an existing SFD to be removed. All in an "C-4" General Commercial Zoning District. *Advertised in The Standard on May 16, 2024.*

Richard & Shannon Snow were present

Chairman Dayvolt asked for a staff report.

Mrs. Barnhill replied we are missing two green cards from their notice to the adjacent property owners, but we do have all the white pay receipts and they were mailed correctly. She stated the existing use is a single-family dwelling with an unattached accessory dwelling. She continues to the north, east, south and west is all zoned "A" Agricultural being vacant or single-family dwellings. She added there is no floodplain and they do have access onto Yankeetown Rd., so they application would be in order.

Chairman Dayvolt asked anything to add to the staff report.... any questions.

Attorney Doll asked how long will it take you to build this new house?

Richard Snow replied six months.

Attorney Doll said and how long after you move into to the new house will you be removing the existing.

Richard Snow responded right away.

Attorney Doll stated so you need some period of time. He asked who is removing the existing house... yourself or...

Richard Snow replied that's not decided yet. He said I have to get some prices on that and I haven't gotten across that bridge yet.

Attorney Doll asked what's your best estimate on the time you need from the time you occupy the new residence to remove the old one.

Richard Snow responded thirty days.

Mike Winge asked are you going to have it removed.

Richard Snow replied yes.

Mike Winge said okay. He added he might want to give himself a little bit more time...because of bad weather.

Board Members replied yeah.

Attorney Doll stated whoever makes the motion.

Mike Winge said because you could get some bad weather...

Richard Snow stated I thought we had nine months. He said I heard you say earlier six months.

Mike Winge replied that's just for permits and stuff.

Chairman Dayvolt stated that's if you don't pull a permit within six months then you can go to Mrs. Barnhill and she can extend it.

Mike Winge said you're just on a timeline of getting started.

Richard & Shannon Snow replied yes, okay.

Mrs. Barnhill stated so the clock starts when the certificate of occupancy is issued on the new home. She said we need to know how much time you want to get the other home removed from the property. She added the typical amount of time is about...

Chairman Dayvolt stated don't cut yourself short.

Board Members said yeah.

Mrs. Barnhill continues is three months has been asked for a lot.

Shannon Snow said yeah can we just do ninety days.

Mrs. Barnhill said if that works for the Board.

Chairman Dayvolt asked anymore questions.

Attorney Doll asked and is this the only other property you own...is this why you need the variance. He said you're going to live in the old house while you build the new house.

Richard Snow replied yeah. He said there are three parcels there and the one is where we want to build and they are both on the same parcel.

Attorney Doll asked is that where your septic system is.

Richard & Shannon Snow replied yeah.

Attorney Doll said and your utility hookups...etc., are all there.

Richard Snow stated yes.

Attorney Doll said okay. He said and the other two parcels are unimproved...is there anything on the other two parcels.

Richard Snow stated yes. He continues the one parcel has a block building, which is not on that lot and the other one is empty, it is woods.

Attorney Doll asked is the block building used for some business, enterprise.... just storage.

Richard Snow replied yes, just storage. He added its previously the old Yankeetown Water Corporation building.

Chairman Dayvolt asked anymore questions...anybody here for or against this project. He said seeing none I will ask one more time anymore questions by the Board. He said I'll entertain a motion.

I, Paul Keller, make a motion to approve the Variance Application based upon and including the following findings of fact:

11. The grant of the Variance will not be injurious to the public health, safety, morals, and general welfare of the Community. As such, it is further found that the granting of the Variance shall not be materially detrimental to the public welfare.
12. The use or value of the area adjacent to the property included in the Variance will not be affected in a substantially adverse manner. As such, it is further found that the granting of the Variance shall not result in substantial detriment to adjacent property or the surrounding neighborhood.
13. The need for the Variance arises from some condition peculiar to the property involved. The peculiar condition constituting a hardship is unique to the property involved or so limited to such a small number of properties that it constitutes a marked exception to the property in the neighborhood. Such condition is they intend to live in their existing house while they build a new one and the parcel that both houses will be on temporarily is where all the utility hookups are.
14. The strict application of the terms of the Warrick County Comprehensive Zoning Ordinance will constitute a practical difficulty, unusual and unnecessary hardship if applied to the property for which the Variance is sought.
15. The approval does not interfere substantially with the Warrick County Comprehensive Zoning Ordinance adopted pursuant to IC 36-7-4-500 et seq.
16. The granting of the Variance is necessary in order to preserve a substantial property right of the petitioner to use the property in a reasonable manner, and not merely to allow the petitioner some opportunity to use his property in a more profitable way or to sell it at a greater profit.
17. That the hardship to the applicant's use of the property was not self-created by any person having an interest in the property nor is the result of mere disregard for or ignorance of the provisions of the Warrick County Comprehensive Zoning Ordinance.
18. The approval of the requested Variance is the least modification of applicable regulations possible so that the substantial intent and purpose of those regulations contained in the Warrick County Comprehensive Zoning Ordinance shall be preserved.

19. This Variance shall expire six (6) months after this date, UNLESS a Permit based upon and incorporating this Variance is obtained within the aforesaid six (6) month period or unless the provision of the Variance are adhered to within the aforesaid six (6) month period. Upon advance written application for good cause, a renewal for an additional six (6) month period may be granted by the Secretary of the Area Plan Commission.
20. The Variance Application is subject to the terms contained therein and the plans on file subject to the following additional conditions:
 - i) Subject to an Improvement Location Permit being obtained.
 - j) Subject to a Building Permit being obtained.
 - k) Subject to the property being in compliance at all times with the applicable zoning ordinances of Warrick County.
 - l) Subject to all utility easement and facilities in place.
 - m) Subject to existing residence being removed within three months from issuance of Certificate of Occupancy.

The motion was seconded by Jeff Willis and it carried unanimously.

Mrs. Barnhill stated we will go back and prepare an approval for you and then you will need to get your septic permit from the Health Department and then you come in and we will proceed with the Location Permit.

Richard & Shannon Snow replied okay, thank you.

Mrs. Barnhill responded welcome.

APPLICANT: Pool Builders, by Brian Williams, Co-Owner

OWNER: Francis & Paige Weaver

PREMISIS AFFECTED: Property located on the south side of Waterford Place approximately 0' east of the intersection formed by Bridgestone Blvd. and Waterford Place. Ohio Twp. Lt. 64 Thornbrook Estates Sec. C. *Complete legal on file. 10387 Waterford Place.*

NATURE OF THE CASE: Applicant requests a Variance, from the requirements as set forth in the Comprehensive Zoning Ordinance in effect for Warrick County, IN to allow an Improvement Location Permit to be issued for: the location of an inground pool in a recorded 25' building setback line. All in a "R-1A" Single-family Dwelling Zoning District. *Advertised in The Standard on May 16, 2024.*

Alex Meyer, Pool Builders & Francis Weaver, owner were present

Chairman Dayvolt asked for a staff report.

Mrs. Barnhill stated we have all the green cards from the notice to adjacent property owners. She said the existing use is a single-family dwelling. She added to the north, east, south and west is zoned "R-1A" One family Dwelling being Thornbrook Estates Subdivision with single-family dwellings. She said there is no floodplain and they have existing access onto Waterford Place.

Chairman Dayvolt asked do you have anything to add to the staff report.

Francis Weaver replied yeah, we are just putting in a pool in my back yard and just with the layout of our home and the property itself, the easiest setup is to kind of put a portion of the pool on the building set back line.

Chairman Dayvolt asked any questions.

Attorney Doll stated you are nine feet inside the building set back line. He said its twenty-five feet and sixteen feet from the edge of the pool to the back of the property line, so you're going to protrude nine feet out of thirty-four feet...of the pool in the setback. He asked what about the patio or the.... around the pool.

Alex Meyer stated there will be nothing into the easements as far as patio or anything. He said the patio will be on the house side of the pool.

Francis Weaver replied it will be even with the house itself.

Attorney Doll asked so you're not putting sidewalk, walk around or any kind of concrete.

Alex Meyer replied it will be a twelve-inch coping, but it will be included in that thirty-four feet...so there will be nothing beyond those thirty-four feet.

Attorney Doll said so you are within four feet of the public utility easement.

Francis Weaver replied yes.

Attorney Doll asked and what's in that easement...is there electric and gas and all those kinds of services.

Francis Weaver responded yes.

Attorney Doll asked is there a sewer in that easement.

Francis Weaver said in the utility easement.... I don't believe so.

Attorney Doll said well you have sewage.

Francis Weaver said yeah yeah yeah.

Attorney Doll said okay...

Francis Weaver replied so I guess...

Mrs. Barnhill stated they also have a public utility easement upfront...

Attorney Doll said in the front... I see that.

Mrs. Barnhill continues so it could be up there.

Attorney Doll asked is there a swale or a...any kind of a surface drain for storm water in that back easement. He asked is that where water drains.

Francis Weaver replied um... there is an existing French drain in the patio we have right now. He added I think they are going to install a new one, but where water flows...it kind of just trickles all around the house. He said it doesn't particularly go to one spot. He added right now where the easement is and the building set back is there is landscaping.

Attorney Doll said okay.

Dave Goldenberg asked when you drain the pool do you have any idea where that water is going to go.

Francis Weaver said uhh.

Dave Goldenberg said is it going back in that public easement again.

Francis Weaver said no... I believe there is a drain that runs under the house to the sewage line. He said I could be wrong off of that, I don't know.

Mike Winge stated you generally don't have to drain them if you're treating it.

Alex Meyer stated the pool is not going to be drained yearly...

Dave Goldenberg stated just covered.

Alex Meyer continues yeah just covered. He said it will have an automatic cover on it and it will be maintained throughout the whole season.

Dave Goldenberg stated well you still have to flush them out every so often.

Mike Winge said yeah but the backflush...

Alex Meyer said right.

Mike Winge continues but it doesn't go anywhere.

Alex Meyer said correct.

Mike Winge asked and you will do all your locates.

Alex Mayer replied yes sir.

Mrs. Barnhill stated a normal rear yard would not have this platted set back, but it is platted since this lot is a double frontage lot...it fronts a road on the rear of it, which is why they included that setback.

Attorney Doll asked why isn't the pool being installed with a quarter turn...so that it fits sideways behind the house. He added then you wouldn't be in the setback.

Francis Weaver stated I think just with the...it's not a huge area. He asked are you looking at the plans I assume...

Attorney Doll said well its thirty-two feet plus ten, plus fourteen feet across so.... thirty-two plus ten is forty-two.... fifty-six feet across and the pool is thirty-four feet long. He said if it was pivoted it would fit sideways behind the house.

Alex Meyer stated it would fit sideways, but there would be no patio space.... uh there would be no outdoor area if we pivoted the pool there.

Mike Winge said I thought you were only having a twelve-inch curbing around.

Alex Meyer said I'm sorry.

Mike Winge repeated I thought there was only going to be a twelve-inch edging around it.

Alex Meyer said correct, but the existing...the patio space that's going to be on this side, if we switched the pool. He said the pool would be eating into that patio space.

Attorney Doll stated but then it wouldn't be in the building setback. He said it will fit sideways...correct.

Francis Weaver said it would, but there wouldn't be much patio space.

Attorney Doll asked this is a lot in a subdivision.

Francis Weaver responded yes.

Attorney Doll said so you have neighbors.

Francis Weaver replied yes.

Attorney Doll asked anybody around you...in the setback with any improvements.

Francis Weaver stated I believe there is another neighbor who had to apply for a variance when they put in their pool.

Attorney Doll asked and do you know how far into the setback...are they...

Francis Weaver stated no I don't.

Attorney Doll asked you haven't seen it.

Francis Weaver replied I haven't seen it.

Attorney Doll said that's the only question I have.

Jeff Willis said you have a road behind you that you don't have access to... is that... that's why we have the twenty-five-foot setback.

Chairman Dayvolt asked is anybody here for or against this project...seeing none are there any more questions. He asked this is located off Oak Grove Rd and Waterfront isn't it.

Francis Weaver responded yes.

Chairman Dayvolt said I think we had one on the corner of Oak Grove Rd.

Francis Weaver said Lincoln and Epworth is where the subdivision is.

Chairman Dayvolt said Lincoln and Epworth.

Jeff Willis asked do you have a pool now.

Francis Weaver replied yes.

Jeff Willis said okay. He asked so are you going to take out the existing pool and put the other one in.

Francis Weaver responded yes.

Mrs. Barnhill stated I don't have our layers or permits or anything, but looking at the ariel you can see there's a pool there, one there that looks pretty close. She added there was a variance given in this neighborhood two to three houses down.

Chairman Dayvolt said mhm.

Francis Weaver said yeah, I think that is the neighbor that... Brain who's not here had told me that they had applied for a variance.

Mrs. Barnhill stated so I see four that just along his side of the street next to him.

Chairman Dayvolt asked anymore questions...seeing none, I'll entertain a motion.

I, Mike Winge make a motion to approve the Variance Application based upon and including the following findings of fact:

1. The grant of the Variance will not be injurious to the public health, safety, morals, and general welfare of the Community. As such, it is further found that the granting of the Variance shall not be materially detrimental to the public welfare.
2. The use or value of the area adjacent to the property included in the Variance will not be affected in a substantially adverse manner. As such, it is further found that the granting of the Variance shall not result in substantial detriment to adjacent property or the surrounding neighborhood.
3. The need for the Variance arises from some condition peculiar to the property involved. The peculiar condition constituting a hardship is unique to the property involved or so limited to such a small number of properties that it constitutes a marked exception to the property in the neighborhood. Such condition is the existence of present pool.
4. The strict application of the terms of the Warrick County Comprehensive Zoning Ordinance will constitute a practical difficulty, unusual and unnecessary hardship if applied to the property for which the Variance is sought.
5. The approval does not interfere substantially with the Warrick County Comprehensive Zoning Ordinance adopted pursuant to IC 36-7-4-500 et seq.
6. The granting of the Variance is necessary in order to preserve a substantial property right of the petitioner to use the property in a reasonable manner, and not merely to allow the petitioner some opportunity to use his property in a more profitable way or to sell it at a greater profit.
7. That the hardship to the applicant's use of the property was not self-created by any person having an interest in the property nor is the result of mere disregard for or ignorance of the provisions of the Warrick County Comprehensive Zoning Ordinance.
8. The approval of the requested Variance is the least modification of applicable regulations possible so that the substantial intent and purpose of those regulations contained in the Warrick County Comprehensive Zoning Ordinance shall be preserved.
9. This Variance shall expire six (6) months after this date, UNLESS a Permit based upon and incorporating this Variance is obtained within the aforesaid six (6) month period or unless the provision of the Variance are adhered to within the aforesaid six (6) month period. Upon

advance written application for good cause, a renewal for an additional six (6) month period may be granted by the Secretary of the Area Plan Commission.

10. The Variance Application is subject to the terms contained therein and the plans on file subject to the following additional conditions:

- a) Subject to an Improvement Location Permit being obtained.
- b) Subject to a Building Permit being obtained.
- c) Subject to the property being in compliance at all times with the applicable zoning ordinances of Warrick County.
- d) Subject to all utility easement and facilities in place.

The motion was seconded by Jeff Willis and carried unanimously.

BZA-V-24-15

APPLICANT/ OWNER: Steven & Tonya Pardue

PREMISIS AFFECTED: Property located on the north side of Barren Fork Road approximately 12000' east of the intersection formed by Folsomville Road and Barren Fork Road. Owen Twp. 14-4-7. *Complete legal on file. 4244 Barren Fork Road.*

NATURE OF THE CASE: Applicant requests a Variance, from the requirements as set forth in the Comprehensive Zoning Ordinance in effect for Warrick County, IN to allow an Improvement Location Permit to be issued for: a single-family dwelling (SFD) to be constructed on property with an existing SFD to be removed. All in an "A" Agricultural Zoning District. *Advertised in The Standard on May 16, 2024.*

Chairman Dayvolt asked are the Pardue's here...okay.

Mike Winge made a motion to table BZA-V-24-15 to the June 24, 2024 BZA meeting. The motion was seconded by Paul Keller and carried unanimously.

BZA-V-24-16

APPLICANT: The Smart Pergola LLC, by Ross Atteberry, Project Manager

OWNER: Philip A. & Tracy P. Kessler

PREMISIS AFFECTED: Property located on the east side of Cherry Blossom Ct. approximately 450' north of the intersection formed by Cherry Blossom Ct. and Lincoln Ave. Ohio Twp. Lt. 3 Lincoln Wood Estates Phase 1. *Complete legal on file. 4422 Cherry Blossom Ct.*

NATURE OF THE CASE: Applicant requests a Variance, from the requirements as set forth in the Comprehensive Zoning Ordinance in effect for Warrick County, IN to allow an Improvement Location Permit to be issued for: a pergola not meeting the required 10' distance between structures. All in an "A" Agricultural Zoning District. *Advertised in The Standard on May 16, 2024.*

Michelle Ayres, The Smart Pergola LLC, Philip & Tracy Kessler, Owners were present.

Chairman Dayvolt asked for the staff report.

Mrs. Barnhill replied we have all the white pay receipts showing the notices were mailed correctly. She asked did you get any green cards back.

Michelle Ayres said I have the receipts from the green cards.

Mrs. Barnhill said those were emailed in, but no green cards.

Michelle Ayres replied nope.

Mrs. Barnhill asked could you hand those receipts to Carlie.

Michelle Ayres said of course.

Mrs. Barnhill continues so she had emailed a copy of those and now we have them, but no green cards. She added the existing use is a single-family dwelling and the north, east, south and west is "A" Agricultural zoning being Lincoln Wood Estates Subdivision with vacant and single-family dwelling lots. She stated the property does have some A floodplain, however there is a LOMA on file for this location and the existing access is onto Cherry Blossom Ct.

Chairman Dayvolt asked do you have anything to add to Mrs. Barnhill's staff report.

Michelle Ayres stated we are requesting a variance from existing code for the ten-foot setback from the home. She added we would like to build the pergola eighteen inches back from the home so it would provide coverage over the existing concrete patio that they have.

Chairman Dayvolt said questions by the Board.

Attorney Doll asked is there going to be any utilities...fireplace anything like that in the pergola.

Tracy Kessler responded no, there will just be lighting in the pergola so electrical, but no fireplace or anything like that.

Attorney Doll said because that setback is usually designed to be for fire.

Chairman Dayvolt said fire.

Jeff Willis said but they could attach it to the house and not have to worry about it.

Attorney Doll said right.

Mrs. Barnhill said yes.

Chairman Dayvolt asked anymore questions.

Jeff Willis said in the drawing it looks like it's right up next to the gutter... is that... or is it eighteen inches from the gutter.

Michelle Ayres replied its eighteen inches from the gutter. She said so in that drawing it might look like it..., but its just right off of it. She added being that the back wall is brick we cant attach to that.

Jeff Willis replied right.

Chairman Dayvolt asked again anymore questions from the Board...anybody here for or against this project.

Mike Winge replied ain't nobody here.

Board Members laughed.

Chairman Dayvolt continues seeing none, are there any more questions by the Board.

Attorney Doll said you're just wanting to use the existing concrete patio.

Philip & Tracy Kessler said correct.

Mrs. Barnhill stated we did get something from the building department and they are allowing a variance to relax that fire code... the ten-foot...

Attorney Doll stated well if there is no fireplace or anything like that then they don't necessarily have a fire hazard.

Chairman Dayvolt said that's our big concern.

Tracy Kessler said so you're saying if it had a fireplace that's why you want it ten-feet away...
Attorney

Doll said that's the...its fire in general...

Tracy Kessler said right.

Attorney Doll continues so if something caught fire, the pergola wouldn't burn the house down...

Tracy Kessler said right.

Attorney Doll added that's probably a good idea.

Chairman Dayvolt asked again anymore questions by the Board. He said seeing none I will entertain a motion.

I, Mike Winge , make a motion to approve the Variance Application based upon and including the following findings of fact:

1. The grant of the Variance will not be injurious to the public health, safety, morals, and general welfare of the Community. As such, it is further found that the granting of the Variance shall not be materially detrimental to the public welfare.
2. The use or value of the area adjacent to the property included in the Variance will not be affected in a substantially adverse manner. As such, it is further found that the granting of the Variance shall not result in substantial detriment to adjacent property or the surrounding neighborhood.
3. The need for the Variance arises from some condition peculiar to the property involved. The peculiar condition constituting a hardship is unique to the property involved or so limited to such a small number of properties that it constitutes a marked exception to the property in the neighborhood. Such condition is existing concrete patio, which will be the floor of the pergola.
4. The strict application of the terms of the Warrick County Comprehensive Zoning Ordinance will constitute a practical difficulty, unusual and unnecessary hardship if applied to the property for which the Variance is sought.
5. The approval does not interfere substantially with the Warrick County Comprehensive Zoning Ordinance adopted pursuant to IC 36-7-4-500 et seq.
6. The granting of the Variance is necessary in order to preserve a substantial property right of the petitioner to use the property in a reasonable manner, and not merely to allow the petitioner some opportunity to use his property in a more profitable way or to sell it at a greater profit.
7. That the hardship to the applicant's use of the property was not self-created by any person having an interest in the property nor is the result of mere disregard for or ignorance of the provisions of the Warrick County Comprehensive Zoning Ordinance.
8. The approval of the requested Variance is the least modification of applicable regulations possible so that the substantial intent and purpose of those regulations contained in the Warrick County Comprehensive Zoning Ordinance shall be preserved.
9. This Variance shall expire six (6) months after this date, UNLESS a Permit based upon and incorporating this Variance is obtained within the aforesaid six (6) month period or unless the provision of the Variance are adhered to within the aforesaid six (6) month period. Upon advance written application for good cause, a renewal for an additional six (6) month period may be granted by the Secretary of the Area Plan Commission.
10. The Variance Application is subject to the terms contained therein and the plans on file subject to the following additional conditions:

- a) Subject to Improvement Location Permits being obtained.
- b) Subject to Building Permits being obtained.
- c) Subject to the property being in compliance at all times with the applicable zoning ordinances of Warrick County.
- d) Subject to all utility easement and facilities in place.
- e) Subject to variance from Building Commission.

The motion was seconded by Paul Keller and carried unanimously.

Jeff Willis asked we don't override covenants correct.

Attorney Doll said no. He said covenants would be privately enforced by those who live in that neighborhood.

Paul Keller said the Home Owners Association.

Jeff Willis said right.

Mike Winge said yeah.

Jeff Willis said I just wanted to make sure...

Tracy Kessler stated there used to be one, but there is no longer an active one.

Paul Keller said have a good evening.

Mrs. Barnhill said we will have the approval ready and you can come get your permit...if you want to give us until Thursday.

Tracy Kessler said she came from out of town...

Michelle Ayres said I came from Indianapolis.... can you mail it.

Attorney Doll said or do you have an email address.

Michelle Ayres said yeah. She said or I am staying overnight tonight if you could have ready tomorrow.

Board Members laughed.

Mrs. Barnhill said I have meetings in the morning.

Tracy Kessler said or is it something we can come pickup.

Mrs. Barnhill said yes you can come get it. She said anybody can come get it.

Attorney Doll said then you could provide it to her.

Philip Kessler said Thursday afternoon.

Tracy Kessler asked where do I come to get it.

Mrs. Barnhill replied we are downstairs on the main floor.

OTHER BUSINESS:

Chairman Dayvolt asked anyone got any business.

ATTORNEY BUSINESS:

Attorney Doll replied nothing.

EXECUTIVE DIRECTOR BUSINESS:

To transact any other business.

Mrs. Barnhill replied nothing.

Mike Winge made a motion to adjourn the May 28, 2024 BZA meeting. The motion was seconded by Jeff Willis and it carried unanimously. The meeting adjourned at 7:05pm.

Terry Dayvolt, Chairman

ATTEST:

The undersigned Secretary of the Warrick County Board of Zoning Appeals does hereby certify the above and foregoing is a full and complete record of the Minutes of the said Board at their monthly meeting held May 28, 2024.

Molly Barnhill, Executive Director